

Amw

NO. 23-1229

IN THE UNITED STATES COURT OF APPEALS

FOR THE

FOURTH CIRCUIT

ANTHONY GUNTER

Plaintiff-Appellant

--- v ---

ALUTIIQ ADVANCED SECURITY SOLUTIONS LLC

Defendant-Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT OF MARYLAND
NORTHERN DISTRICT IN CASE NO. 1-2020-03410

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 28th 2023 that the defendants in this case were notified via email of the REPLY BRIEF also that a copy of the REPLY BRIEF was sent via US Mail on March 28th 2023 first class, postage pre-paid to.

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REPLY BRIEF

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This is a reply brief to the informal brief submitted by the defendant in this case, there are a few points that I would like this High Court to consider before making a final ruling. First I would like to remind this court that there are not two versions of the truth. One version from The Honorable judge Richard Bennett and a second version by judge Rubin. Now while two judges may have a difference in opinion, the facts are not subject to the opinion of one judge verses another. When a federal judge lies from the bench on the record that is the most egregious act that a judge can commit, that destroys the integrity of the legal process and destroys the belief of the public in the judicial process. The Fourth Circuit Court of Appeals not only reviews a District Courts order to dismiss a case for an abuse of discretion, but also for a finding that is clearly erroneous. A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed "United States v. Blackledge" 751 F. 3D 188,194 (4th CIR 2014) also see (United States v. Hall) 664 F. 3D 456 462 (4th Cir. 2012). Now I would like to point out more of judge Rubins falsehoods in her order for dismissal (Ecf 86) and her memorandum and opinion. On page (22) of her memorandum at the bottom of the page in the foot notes she says that the court has expended countless hours and judicial resources dedicated to safeguarding the judicial process from Mr. Gunter's dishonesty, "Judicial resources are not limited to the judge". They include law clerks and assistants, court reporters and courtroom deputies, U.S. Marshals and other security. Mr. Gunter's actions have drawn the effort and attention of the entire cadre of courthouse civil servants. This Statement is inherently false and clearly shows an undeniable bias towards the plaintiff in this case. First of all there has been no incidents involving any security issues with regard to the plaintiff Anthony Gunter in this case and there has been only one hearing that was physically held in the court house, so once again judge Rubin is flat out lying from the bench on the record. Further judge Rubin claims that the plaintiff Anthony Gunter has had counsel throughout the entire discovery process, the plaintiff Anthony Gunter has not had counsel since September of 2021 until March of 2023 a whole year and a half without counsel. Now once again unlike judge Rebecca Rubin Anthony Gunter has dedicated his entire

professional career to law enforcement and has been given the authority to carry a gun for more than 36 years and thus has had the ability to legally take another persons life and stop all threats in any given situation. So to say that Anthony Gunter has caused some security threat or issue is the ultimate insult. Further I challenge judge Rubin to produce any incident reports involving the behavior of Anthony Gunter, where is the paperwork if anything certain Marshals and security personnel walked up to me and shook my hand after the hearing that was held on April 14th 2022 because they were impressed by the way that Anthony Gunter was able to handle himself in court without an attorney present. Before I forget judge Rubin has said twice in her memorandum that she feels sorry or something for the emotional toll that this case has had on the defendants and most notably Zackary Caster. How would she know what emotional toll that this case has had on Zackary Caster since she has not conducted any actual live hearing where Zackary Caster was present or gave any testimony. This defendant has engaged in unlawful ex-parte communications with judge Rubin and judge Bennett, this is a clear violation of the civil rights of the plaintiff. Now with out going any further these two judges both judge Bennett and judge Rubin keep taking issue with the fact that the plaintiff has stated that the Department of Homeland Security supports this law suit. I truly suggest that both these judges take the time and actually read the law involving Whistleblower Retaliation, because the law is crystal clear. No person or organization or party to any litigation may file a suit for whistleblower retaliation without first filing a complaint to the Department of Homeland Security period!!! Particularly on a DHS contract again period, the Department of Homeland Security will then evaluate such a complaint and then make a determination to investigate a complaint or not period. In the case of Anthony Gunter vs Alutiiq Advanced Security, the Department of Homeland Security made the decision to investigate the defendant for violations of the false claims act and several violations of multiple federal laws period. This is only step one, now in the letter that DHS issued dated September 20th 2021 please see exhibits no. (8) and (8a) from the motion for summary judgment, the letter clearly states that you did not consent to an extension of time for DHS OIG to complete its investigation past the initial 180 day

deadline. The 180 deadline expired on May 12th, 2021 therefore you can bring suit after the 180 days. So you have to get permission from DHS to file a civil suit for whistleblower retaliation on a DHS contract period!!! Further the letter goes on to say that this investigation is substantially subsumed by your federal lawsuit, and that the DHS OIG WPU investigation is now duplicative of your federal law suit. Now according to Websters Dictionary, duplicative means one in the same period or a copy of. So that clearly means that the Department of Homeland Security fully supports this law suit to the point that they consider it duplicative of there investigation, so where is the disconnect and failure to comprehend this language. When a judge presides over a case and then renders a judgment or opinion from the bench, that judge is under oath, so for a federal judge to lie from the bench is a serious violation of law and duty. When a federal judge shows sympathy and favoritism for any party to a law suit they are guilty of judicial misconduct period!!! Now I have done enough research of opinions from The Fourth Circuit Court of Appeals to know at this point a judge will says the plaintiff's arguments are becoming redundant and repetitive but so is the defendant's arguments. The record in this case is crystal clear, the defendant has broken several federal laws and they need to be held accountable. This defendant has lied to this court directly on the record they said that they would file sanctions for violations of rule #11 which does not apply to discovery issues, yet this court ignored this fact and wants to hold the plaintiff responsible for every word that he said during his deposition. Mr. Seagull made an accusation in one of his questions to the plaintiff and the plaintiff responded you have my phone so prove it! This court wants to pretend that somehow that shows dishonesty or disrespect for the court in this legal process, but the defendant's own so called expert witness lies on the stand, and the courts response is its no harm no foul. The purpose of any legal proceeding is to prove guilt or innocence so how is that response an issue, is the plaintiff simply supposed to acquiesce to the belief of Mr. Seagull when the defendant has denied all the charges in this lawsuit in the face of direct evidence. I truly wish that this court grants the plaintiff's motion for the transcript of the hearing that was held on April 14th 2022, because again it will clearly show that Mr. Racich was clearly lying on the witness

stand. Judge Rubin claims that she reviewed the transcript from the hearing that held on April 14th 2022 and yet she refused to post that transcript on the record the way she posted the transcript from October 2022, what is she trying to hide. It is a sad day in America when the plaintiff in this case not only has to go up against the defendant, but also a corrupt judge who clearly has no regard for the law and has clearly abandoned her oath of office. Now the good news is that the Fourth Circuit Court of Appeals is not corrupt and more often than not can see through the bias of one judge and the nonsense and instead focuses on the true application of the law minus any personal feeling for Zackary Caster by the way who the Hell is he other than a person who broke the law. Call me nieve but I actually believe in jurisprudence, unlike judge Rubin I was in uniform during the Rodney King riots in Los Angeles as a young 24 year old officer almost fresh out of the Police Academy. During the riots after Freddy Gray in Baltimore the civil unrest after the killing of Michael Brown and most recently George Floyd in Minnesota so needless to say I am stunned by the fact that judge Rubin wants to sit on that bench in the face of direct evidence and lie on the record. Further after September 11th 2001 I can't believe that a federal court has zero respect for the Department of Homeland Security which was formed after September 11th in response to the failures of miscommunications between several government agency's. I could go on and on but I know when to shut up the facts in this case are clear either this defendant is above the law or not. Now at the time of this drafting of this reply I am 56 years old which means that I will not be on this earth as long as I already have been in other words I am not going to live to be 112 years old, so what legacy will I leave behind what should I teach my youngest child who is now 13 years of age, do what is right believe in the judicial system or that corporate America and corrupt judges are above the law!!!

respectfully submitted

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Dated 3-28 2023

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